

FILED

JUN 27 2008

**BEFORE THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Judge Hart

IN RE:

TOYS "R" US-DELAWARE, INC. FAIR AND
ACCURATE CREDIT TRANSACTIONS ACT
LITIGATION

MDL No. _____

08C 2945

**MOTION OF TOYS "R" US - DELAWARE, INC. TO TRANSFER
FOR CONSOLIDATED PROCEEDINGS PURSUANT TO 28 U.S.C. § 1407**

Toys "R" Us - Delaware, Inc. ("TOYS") hereby respectfully moves the Judicial Panel on Multidistrict Litigation for an order, pursuant to 28 U.S.C. § 1407, transferring *Miller v. Toys "R" Us*, Case No. 07-1787-DMC, pending in the United States District Court for the District of New Jersey (the "New Jersey Action") and *Ellis v. Toys "R" Us - Delaware, Inc.*, No. CV 08-2945, pending in the United States District Court for the Northern District of Illinois (the "Illinois Action") to the United States District Court for the Central District of California for coordinated and consolidated pretrial proceedings with *Edwards v. Toys "R" Us - Delaware, Inc.*, No. CV 06-08163-MMM-FMO (the "California Action").

All three actions are putative class actions alleging that TOYS violated the Fair and Accurate Credit Transactions Act ("FACTA"). These actions allege identical violations and will involve the same evidence and witnesses. The cases should therefore be consolidated for pretrial proceedings for the convenience of the parties and witnesses and to promote just and efficient conduct. Furthermore, because the California Action is significantly more advanced procedurally, it would be appropriate for all of these actions to proceed before Judge Morrow who is already familiar with the relevant facts and issues. In support of this Motion, TOYS submits the accompanying Memorandum.

DATED: June __, 2008.

Respectfully submitted,

TOYS "R" US-DELAWARE, INC.

By: 
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